

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JIMMY LEE NELSON,

Petitioner,

vs.

ATTORNEY GENERAL , *et al.*,

Respondents.

3:06-cv-00129-LRH-VPC

ORDER

The petitioner's application (#41) for a certificate of appealability (COA) in this represented habeas matter under 28 U.S.C. § 2254 is GRANTED, out of an abundance of caution. While the court remains of the view that the dismissal of the petition as time-barred without an evidentiary hearing was and remains the correct disposition of the case, jurists of reason potentially could find the matter debatable as to whether the court was correct in its procedural ruling.

DATED this 7<sup>th</sup> day of April, 2008.



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE